NRO-028-12

COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

NORTHERN REGIONAL OFFICE
13901 Crown Court, Woodbridge, Virginia 22193-1453
(703) 583-3800 Fax (703) 583-3821
www.deq.virginia.gov

Douglas W. Domenech
Secretary of Natural Resources

David K. Paylor
Director

Thomas A. Faha
Regional Director

February 10, 2012

Mr. Rick Krejci
Director of Operations
Kinder Morgan Southeast Terminals
1100 Alderman Drive, Suite 200
Alpharetta, GA 30005

Registration No. 70234

Dear Mr. Krejei:

Attached is an administrative amendment to your Title V permit dated September 1, 2010 to operate a bulk petroleum storage and distribution terminal in accordance with the provisions of the Commonwealth of Virginia Regulations for the Control and Abatement of Air Pollution. This permit amendment is issued to change the owner of the facility and to change the name of the facility. Changes are reflected on page 1 and 8 including throughout the permit in the header of each page. This amended permit supersedes the your permit dated September 1, 2010.

This permit contains legally enforceable conditions. Failure to comply may result in a Notice of Violation and civil penalty. Please read all permit conditions carefully.

The Department of Environmental Quality (DEQ) deemed the application complete on January 24, 2012 and has determined that the application meets the requirements of 9VAC5-80-560 A and B for a administrative amendment Title V permit.

This administrative permit amendment approval shall not relieve Kinder Morgan Southeast Terminals – Newington Terminal #2 of the responsibility to comply with all other local, state, and federal permit regulations.

The Regulations, as contained in Title 9 of the Virginia Administrative Code 5-170-200 provides that you may request a formal hearing from this case decision by filing a petition with the Board within 30 days after this case decision notice was mailed or delivered to you. Section 9VAC5-170-180 provides that you may request direct consideration of the decision by the Board if the Director of the DEQ made the decision. Please consult the relevant regulations for additional requirements for such requests.

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have 30 days from the date of service of this decision (the date you actually received this amendment decision or the

Event	Date	Initials
Code PTV	2/10/12	HGB
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QC		

date on which it was mailed to you, whichever occurred first), within which to initiate an appeal of this decision by filing a Notice of Appeal with:

David K. Paylor, Director
Department of Environmental Quality
P. O. Box 10009
Richmond, VA 23240-0009

In the event that this decision is served on you by mail, three days are added to the period in which to file an appeal. Please refer to Part Two A of the Rules of the Supreme Court of Virginia for information on the required content of the Notice of Appeal and for additional requirements governing appeals from decisions of administrative agencies.

If you have any questions concerning this permit amendment, please call the regional office at (703) 583-3858.

Sincerely,

Terry H. Darton
Regional Permit Manager

THD/HGB/12-028-NRO

Attachment: Amended Permit

cc: Mr. Mark Stephens, Kinder Morgan Southeast Terminas Operations Manager
Director, OAPP (electronic file submission)
Manager, Data Analysis (electronic file submission)
Chief, Permits and Technical Assessment Branch (3AP11), U.S. EPA, Region III

NRO-261-10

COMMONWEALTH of VIRGINIA

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Regional Director

Federal Operating Permit
Article 1

This permit is based upon the requirements of Title V of the Federal Clean Air Act and Chapter 80, Article 1, of the Commonwealth of Virginia Regulations for the Control and Abatement of Air Pollution. Until such time as this permit is reopened and revised, modified, revoked, terminated or expires, the permittee is authorized to operate in accordance with the terms and conditions contained herein. This permit is issued under the authority of Title 10.1, Chapter 13, §10.1-1322 of the Air Pollution Control Law of Virginia. This permit is issued consistent with the Administrative Process Act, and 9 VAC 5-80-50 through 9 VAC 5-80-300, of the State Air Pollution Control Board Regulations for the Control and Abatement of Air Pollution of the Commonwealth of Virginia.

Authorization to operate a Stationary Source of Air Pollution as described in this permit is hereby granted to the following:

Permittee Name:	Kinder Morgan Southeast Terminals
Facility Name:	Newington Terminal #2
Facility Location:	8206 Terminal Road, Lorton, Virginia 22709
Registration Number:	70234
Permit Number:	NRO70234

This permit includes the following programs:

Federally Enforceable Requirements - Clean Air Act (Sections I through VIII)

September 1, 2010 amended February 10, 2012
Effective Date

August 31, 2015
Expiration Date

Thomas A. Faha
Thomas A. Faha, Regional Director

February 10, 2012
Signature Date

Table of Contents

I. Facility Information

Permittee
Kinder Morgan Southeast Terminals
8206 Terminal Road
Lorton, Virginia 22709

Responsible Officials
Rick Krejci
Director of Operations

Mark Stephens
Operations Manager

Facility
Kinder Morgan Southeast Terminals
Newington Terminal #2
8206 Terminal Road
Lorton, Virginia 22709

Contact Person
Patrick Davis
Environmental, Health & Safety Manager

County-Plant Identification Number: 51-059-00064

Facility Description: NAICS: 424710 – Kinder Morgan Southeast Terminals – Newington Terminal #2 operates a bulk petroleum storage and distribution terminal. Gasoline, ethanol, ethanol/gasoline blend and distillate are received by common carrier pipeline, stored in above ground storage tanks, and then dispensed through a four lane loading rack. Gasoline and distillate additives are received at the site by tanker truck. Theses products are stored in the tanks and then mixed and dispensed at the loading rack during tanker truck loading. Volatile organic compound (VOC) emissions from the loading rack are controlled by a vapor recovery unit. Vapors are treated in two carbon adsorption beds that are alternately reactivated on a timed basis.

There are ten above ground storage tanks for the storage of petroleum products. Currently, seven tanks are equipped with internal floating roofs (IFR) for storage of gasoline, ethanol, ethanol/gasoline blend and distillates. A permit was issued April 15, 2008, to convert an eighth tank, T03, to an IFR. On September 3, 2009, an eighteen month extension was granted for this conversion. Upon conversion the tank is subject to New Source Performance Standard (NSPS) Subpart Kb. The remaining fixed roof tanks are for the storage of distillate fuels comprised of diesel, kerosene, and/or Jet-A aviation fuel. There are also several small capacity tanks, including seven product additive tanks, an interface tank, and a petroleum contact water tank.

II. Emission Units

Equipment to be operated consists of:

Emission Unit ID	Stack ID	Emission Unit Description	Size/Working Capacity[1]	Pollution Control Device (PCD) Description	PCD ID	Pollutant Controlled	Applicable Permit Date[2]
T01	T01	Petroleum liquid storage tank. (Gasoline/Diesel/ Ethanol/Jet Fuel/Ethanol-Gasoline Blend)	620,340 gal	Internal floating roof w/primary and secondary seals.	----	VOC	October 14, 1999
T02	T02	Petroleum liquid storage tank. (Gasoline/Diesel/ Ethanol/Jet Fuel/Ethanol-Gasoline Blend)	2,528,400 gal	Internal floating roof in cone roof tank w/primary seal.	----	VOC	October 14, 1999
T03[3]	T03	Petroleum liquid storage tank. (Gasoline/Diesel/ Ethanol/Jet Fuel/Ethanol-Gasoline Blend)	461,160 gal	Internal floating roof in cone roof tank w/ double shoe seals.	----	VOC	April 15, 2008
T04	T04	Petroleum liquid storage tank. (Gasoline/Diesel/ Ethanol/Jet Fuel/Ethanol-Gasoline Blend)	1,223,460 gal	Internal floating roof w/primary and secondary seals.	----	VOC	April 15, 2008
T05	T05	Petroleum liquid storage tank. (Gasoline/Diesel/ Ethanol/Jet Fuel/Ethanol-Gasoline Blend)	1,525,020 gal	Internal floating roof in cone roof tank w/primary seal.	----	VOC	October 14, 1999
T06	T06	Petroleum liquid storage tank. (Gasoline/Diesel/ Ethanol/Jet Fuel/Ethanol-Gasoline Blend)	3,054,660 gal	Internal floating roof in cone roof tank w/primary seal.	----	VOC	October 14, 1999
T07	T07	Petroleum liquid storage tank. (Gasoline/Diesel/ Ethanol/Jet Fuel/Ethanol-Gasoline Blend)	1,592,640 gal	Internal floating roof in cone roof tank w/primary seal.	----	VOC	October 14, 1999
T10	T10	Petroleum liquid storage tank. (Gasoline/Diesel/ Ethanol/Jet Fuel/Ethanol-Gasoline Blend)	3,511,620 gal	Internal floating roof w/primary and secondary seals.	----	VOC	October 14, 1999
VRU	VRU	Four-lane Tanker Truck Loading Rack (Gasoline[4])	144,000 gal/hr 730,537,800 gal/yr	John Zink VRU, Model No. AA-825-5-15B Activated Carbon Adsorption Beds (2)	VRU	VOC	October 14, 1999

[1] The Size/Working capacity is provided for informational purposes only, and is not an applicable requirement. These volumes are the available working volumes.
[2] Emission units with applicable permit date of 10/14/99 are grandfathered. They are only listed in the original Title V permit issued 10/14/99.
[3] Tank T03 must be equipped with an internal floating roof (IFR) prior to storing gasoline, ethanol, or ethanol-gasoline blend. As of the issuance date of this permit, the tank does not have IFR.
[4] Gasoline is used in analysis as worst case fuel. Product throughput used: Gasoline - 730,537,800 gallons/yr.

III. Equipment Requirements – Tanks T01, T02, T03, T04, T05, T06, T07, and T10

A. Limitations

1. ***Emission Control: Tanks T01, T02, T04, T05, T06, T07, T10, and T03 (if IFR conversion is completed by April 15, 2011) –***

   a. Volatile organic emissions (VOC) emissions from the storage tanks T01, T02, T04, T05, T06, T07, and T10, shall achieve a minimum of 90% reduction in VOC emissions. This VOC reduction shall be achieved by an internal floating roof (IFR) resting on the surface of the stored liquid and equipped with a closure seal(s) system.

(9 VAC 5-80-110, 9 VAC 5-40-5220.A.1, 9 VAC 5-40-5220.E, and 9 VAC 5-40-5230.A.1)

   b. All tank gauging and sampling devices should be vapor tight except when gauging or sampling is taking place.

(9 VAC 5-80-110 and 9 VAC 5-40-5230.A.1)

   c. Tanks must be painted white, light pastel or light metallic. The coating must be in good condition.

(9 VAC 5-80-110 and 9 VAC 5-40-5230.A.4)

   d. The gasoline storage tanks shall be provided with adequate access for inspection.

(9 VAC 5-80-110, 9 VAC 5-40-5200.C, 9 VAC 5-40-5220.A.4, and 9 VAC 5-40-5230.A.1 - 4)

2. ***Emission Control: Tank T03 (after conversion to IFR) –***

   a. The internal floating roof shall rest or float on the liquid surface (but not necessarily in complete contact with it) inside a storage vessel that has a fixed roof. The internal floating roof shall be floating on the liquid surface at all times, except during initial fill and during those intervals when the storage vessel is completely emptied or subsequently emptied and refilled. When the roof is resting on the leg supports, the process of filling, emptying, or refilling shall be continuous and shall be accomplished as rapidly as possible.

   b. The IFR shall be equipped with the appropriate closure devices between the wall of the storage vessel and the edge of the internal floating roof.

   c. Each opening in a non contact internal floating roof except for automatic bleeder vents (vacuum breaker vents) and the rim space vents is to provide a projection below the liquid surface.

   d. Each opening, in the internal floating roof except for leg sleeves, automatic bleeder vents, rim space vents, column wells, ladder wells, sample wells, and stub drains is to be equipped with a cover or lid which is to be maintained in a

closed position at all times (i.e., no visible gap) except when the device is in actual use. The cover or lid shall be equipped with a gasket. Covers on each access hatch and automatic gauge float well shall be bolted except when they are in use.

e. Automatic bleeder vents shall be equipped with a gasket and are to be closed at all times when the roof is floating except when the roof is being floated off or is being landed on the roof leg supports.

f. Rim space vents shall be equipped with a gasket and are to be set to open only when the internal floating roof is not floating or at the manufacturer's recommended setting.

g. Each penetration of the internal floating roof for the purpose of sampling shall be a sample well. The sample well shall have a slit fabric cover that covers at least ninety percent of the opening.

h. Each penetration of the internal floating roof that allows for passage of a column supporting the fixed roof shall have a flexible fabric sleeve seal or a gasketed sliding cover.

i. Each penetration of the internal floating roof that allows for passage of a ladder shall have a gasketed sliding cover.

(9 VAC 5-80-110, 40 CFR 60.112.b, and Condition 2.b of 4/15/08 NSR Permit)

3. **Products Stored –**

The approved products for storage in tanks with IFR's are gasoline/diesel/ ethanol/jet fuel/ethanol-gasoline blend.

(9 VAC 5-80-110.B.5 and Condition 6 of 4/15/08 NSR Permit)

4. ***Requirements by Reference: T03 –***

Except where this permit is more restrictive than the applicable requirement, the NSPS equipment, T03, shall be operated in compliance with the requirements of 40 CFR Part 60 Subpart Kb - Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) and 40 CFR 60 Subpart A – General Provisions.

(9 VAC 5-80-110 and Condition 7 of 4/15/08 NSR Permit)

5. ***Permit Invalidation, Tank T03 –***

The portion of this permit which pertains to the construction of the internal floating roof in tank, T03, shall become invalid if the project has not commenced by April 15, 2011, as stated in the approval request letter dated September 30, 2009, from the DEQ to Ms. Susan Horning. (See Attachment A)

(9 VAC 5-80-110 and Condition 11 of 4/15/08 NSR Permit)

B. Monitoring

1. ***Tank Visual Inspections (Initial Filling with Gasoline, Ethanol, or Gasoline/Ethanol Blends): Tank T03 -***

The permittee shall make visual inspections of the internal floating roof and associated seals, and the fittings of the IFR equipped tank (T03), prior to filling with gasoline, ethanol, or gasoline-ethanol blends. If there are holes, tears, or other openings in the seals, defects in the floating roof, or leakage in or around the fittings, the permittee shall repair the items before initial filling or refilling of the storage tank. Prior to filling or refilling the permittee shall notify the Regional Air Compliance Manager of the Department of Environmental Quality's (DEQ) Northern Regional Office (NRO) in accordance with Condition III.D.3.

(9 VAC 5-80-110, 40 CFR 60.113b(a), and Condition 3 of 4/15/08 NSR Permit)

2. ***Tank Annual Visual Inspections –***

Tanks with internal floating roofs shall be visually inspected annually. The inspections shall be made through available roof hatches and manholes located on the fixed roof of the tank. The internal floating roof, primary seal, and, as appropriate, the secondary seal shall be inspected. If the inspection reveals that the internal floating roof is not resting on the surface of the petroleum product inside the tank, or there is liquid accumulated on the roof, or the seal is detached, or there are holes or tears in the cover or seal material, the owner/operator shall repair the items or empty and remove the tank from service within forty-five days. If a failure that is detected during the inspections required by this condition cannot be repaired within forty-five days, or if the tank cannot be emptied within forty-five days in order to make repair, a thirty day extension may be requested from the Regional Air Compliance Manager of the DEQ's NRO at the address referenced in Condition III.C.

An extension request must be made in writing and certify that alternate storage capacity is unavailable and establish a schedule for completing the necessary repairs.

(9 VAC 5-80-110, 9 VAC 5-40-5220.A.4.a, 40 CFR 60.113b(a), and Condition 5 of 4/15/08 NSR Permit)

3. ***Tank Visual Inspections (After Tank Emptying or Degassing) –***

An inspection shall be made of the internal floating roof, the primary seal, the secondary seal (if one is in service), gaskets, slotted membranes and sleeve seals (if any) of each tank each time the tank is emptied and degassed. If the internal floating roof has defects, the primary seal has holes, tears or other openings in the seal or the seal fabric, or the secondary seal has holes, tears, or other openings in the seal or seal fabric, or the gaskets no longer close off the liquid surfaces from the atmosphere, or the slotted membrane has more than ten percent open area, Kinder Morgan southeast Terminals shall repair the items as necessary so that none of the

anomalies specified herein shall exist when the tank is refilled. This inspection should occur when the tank is taken out of service for maintenance, an emergency or similar purpose but in no case shall this inspection occur at an interval greater than ten years.

(9 VAC 5-80-110, 40 CFR 60.113b(a), 9 VAC 5-40-5220.A.4.b, 9 VAC 5-40-5300, 9 VAC 5-40-5310, and Condition 4 of 4/15/08 NSR Permit)

C. Recordkeeping

The permittee shall maintain records of all emission data and operating parameters necessary to demonstrate compliance with this permit. The content and format of such records shall be arranged with the Regional Air Compliance Manager of the DEQ's NRO at the following address:

Department of Environmental Quality
Northern Regional Office
13901 Crown Court
Woodbridge, VA 22193

These records shall include, but are not limited to the following:

1. ***Tank Inspection*** –

   A copy of each inspection for each tank shall be kept on site and the contents of these reports shall contain, at a minimum, the condition of each item of inspection, all measurements taken, and specific details of each repair made with the date and signature of the person making the repair

2. ***Throughput*** –

   A record shall be kept of the throughput of each tank which shall include the throughput quantities, and types of petroleum liquid stored, the average monthly storage temperature, and the true vapor pressure of the liquid as stored

3. ***Tanks T03 and T04*** –

   a. The types of liquid stored in the each tank, T03 and T04, the period of storage, and the maximum true vapor pressure

   b. A copy of the records showing the dimension of the storage tank, T03, and the analysis showing the capacity of the storage tank

These records shall be available on site for inspection by the DEQ and shall be current for the most recent five years.

(9 VAC 5-80-110.F, 40 CFR 60.116b(a), 9 VAC 5-40-5220.A.4.c, 9 VAC 5-40-5310, and Condition 8 of 4/15/08 NSR Permit)

D. Reporting

1. ***Initial Notification: T03*** –

The permittee shall furnish written notification to the Regional Air Compliance Manager of the DEQ's NRO at the address referenced in Condition III.C, of the following:

a. The date on which installation of the internal floating roof for tank TO3, commenced construction within thirty days after such date

b. The date of the actual start-up of tank T03, following the installation of the internal floating roof. This documentation shall be submitted within fifteen days after such date. This notification shall include a report describing the IFR and certify that the IFR meets the specifications in 40 CFR 60.112b(a)1

Copies of the written notification referenced in items 1.a. and b. above are to be sent to EPA at the following address:

Associate Director
Office of Air Enforcement (3AP12)
U.S. Environmental Protection Agency
Region III
1650 Arch Street
Philadelphia, PA 19103-2029

(9 VAC 5-80-110.F, 40 CFR 60.115.b(a)(1), and Condition 9 of 4/15/08 NSR Permit)

2. ***Notification for Defects*** –

If defects are detected during the annual visual inspection a report shall be furnished to the Regional Air Compliance Manager of the DEQ's NRO within thirty days of the inspection. Each report shall identify the storage vessel, the nature of the defects, and the date the storage vessel was emptied or the nature of and date the repair was made.

(9 VAC 5-80-110.F, 40 CFR 60.115b(a)(3), and 9 VAC 5-40-50 H)

3. ***Notification prior to Filling or Refilling*** –

The permittee shall notify the Regional Air Compliance Manager of the DEQ's NRO in writing at the address referenced in Condition III.C at least thirty days prior to filling or refilling of each storage tank for which an inspection is required. In the event it is impossible, by reason of extenuating circumstances, that a thirty day notice cannot be made, the Regional Air Compliance Manager of the DEQ's NRO shall be notified by telephone at least seven days prior to the filling/refilling of the storage vessel. Notification shall be made immediately following the telephone call by a written document explaining why an inspection was unplanned.

(9 VAC 5-80-110.F and Conditions 3 and 4 of 4/15/08 NSR Permit)

IV. Process Equipment Requirements – Loading Rack, Vapor Recovery Unit, and Tanker Truck Vapor Tightness Certification

A. Limitations

1. ***Emission Control: Loading Rack –***

   Emissions of volatile organic compounds (VOC) from the loading rack shall be controlled by the vapor recovery unit, VRU. The VRU collection and disposal system shall meet the following criteria:

   a. The vapor collection system shall be designed to prevent any total organic compound vapors collected at one loading rack from passing to another rack. Displaced vapor and air from each loading rack shall be vented only through the VRU, and liquid drainage from the loading device shall be minimized.

   b. Pressure relief valves on storage containers and tank trucks should be set to release at no less than 0.7 PSI or the highest possible pressure, in accordance with the following National Fire Prevention Association Standards: "Standard for Tank Vehicles for Flammable and Combustible Liquids"; "Flammable and Combustible Liquids Code"; "Code for Motor Fuel Dispensing Facilities and Repair Garages" (See 9 VAC 5-20-21).

   c. Pressure in the vapor collection lines should not exceed tanker truck pressure relief valve settings.

   d. All loading and vapor lines should be equipped with fittings which make vapor tight connections and which close when disconnected.

   (9 VAC 5-80-110.B and 9 VAC 5-40-5230.C)

2. ***Total Organic Compound (TOC) Emissions: VRU –***

   The TOC emissions from the VRU shall not exceed 35 milligrams per liter (mg/l) of gasoline loaded.

   (9 VAC 5-80-100.B)

3. ***Fugitive Emissions: Loading Rack –***

   The VOC fugitive emissions from the loading rack shall be determined by throughputs and the established factor of 8 mg/l of gasoline loaded as reflected in EPA 450/2-78-051. These emissions shall be calculated annually for emission inventory and fee purposes.

   (9 VAC 5-80-110.A.3 and 9 VAC 5-80-110.H)

4. ***Tanker Truck Vapor Tightness Certification –***

Loading of liquid product into gasoline tank trucks shall be limited to vapor-tight gasoline tank trucks as follows:

a. The terminal owner or operator shall obtain the vapor tightness documentation described in recordkeeping Condition IV.C.1 below, for each gasoline tank truck which is to be loaded at the facility.

b. The terminal owner or operator shall require the tank identification number to be recorded as each gasoline tank truck is loaded.

c. The terminal owner or operator shall maintain the computerized delivery system such that a truck without a vapor tightness test within the last year shall not be allowed to load.

d. Should the computerized delivery system fail or be out of service, the owner or operator shall cross-check each tank identification number obtained as required in condition IV.A.4.a above to assure vapor tightness documentation is valid, within two weeks after the tank is loaded, following these guidelines:

   i. If less than an average of one gasoline tank truck per month over the last twenty-six weeks is loaded without vapor tightness documentation then the cross-check may be performed each quarter; or

   ii. If less than an average of one gasoline tank truck per month over the last fifty-two weeks is loaded without vapor tightness documentation then the documentation cross-check may be performed semiannually.

   iii. If either the quarterly or semiannual cross-check provided in conditions IV.A.4.d.i or ii reveals that these conditions were not maintained, the source must return to the biweekly monitoring until such time as these conditions are again met.

e. The terminal owner or operator shall notify the gasoline tank truck owner or operator of each non vapor-tight gasoline tank truck loaded at the facility within three weeks after the loading has occurred.

f. The terminal owner or operator shall take steps assuring that the non vapor-tight gasoline tank truck will not be reloaded at the facility until vapor tightness documentation for that tank is obtained.

g. Alternative procedures to those described in (a) through (e) only with prior approval from Department of Environmental Quality (DEQ) and EPA.

h. The owner or operator shall act to assure the loading of gasoline tank trucks at the facility are made only into tanks equipped with vapor collection equipment that is compatible with the terminal's vapor collection system.

i. The vapor collection and liquid loading equipment shall be designed and operated to prevent gauge pressure in the delivery tank from exceeding 4,500 Pascals (450 mm of water) during product loading. This level is not to be exceeded when measured by the procedures specified in EPA 40 CFR 60.503(d).

j. No pressure-vacuum vent in the bulk gasoline terminal's vapor collection system shall begin to open at a system pressure less than 4,500 Pascal (450 mm of water).

(9 VAC 5-80-110 B)

B. Monitoring

1. ***Monthly Leak Inspections –***

Each calendar month, the vapor collection system, the vapor processing system, and each loading rack handling gasoline shall be inspected during the loading of gasoline tank trucks for total organic compounds liquid or vapor leaks. For purposes of this paragraph, detection methods incorporating sight, sound, or smell are acceptable. Each leak detection shall be recorded and the source of the leak repaired within fifteen calendar days after it is detected.

(9 VAC 5-80-110.E)

2. ***Monitoring Device: VRU –***

All volatile organic compound and total organic compound emissions through the vapor recovery unit (VRU) must be monitored by either a flame ionization detector (FID), a photo-ionization detector (PID), or a Non-Dispersive Infrared Analyzer (NDIR), or other method as approved by the DEQ. The control equipment sensor shall be located in the outlet duct or stack, and the frequency of testing shall be hourly, testing may be performed manually, or it may be continuous on a chart or by data acquisition. The sensor shall measure total organic compounds (TOC), rather than individual organic compounds. This equipment shall be operated according to the manufacturers instructions.

(9 VAC 5-80-110.E)

3. ***Monitoring Device Certification: VRU –***

The monitoring device shall be certified for accuracy annually (i.e. once every four successive calendar quarters) at a minimum. The methods shall be approved in advance by the Region Air Compliance Manager of the DEQ's NRO.

(9 VAC 5-80-110.E)

C. Recordkeeping

The permittee shall maintain records of all emission data and operating parameters necessary to demonstrate compliance with this permit. The content and format of such

records shall be arranged with the Regional Air Compliance Manager of the DEQ's NRO at the following address:

Department of Environmental Quality
Northern Regional Office
13901 Crown Court
Woodbridge, VA 22193

These records shall include, but are not limited to the following:

1. ***Tanker truck vapor tightness*** –

   Tanker truck vapor tightness documentation in accordance with Condition IV.A.4, which shall be kept on file at the terminal in a permanent form available for inspection. This documentation file for each gasoline tank truck shall be updated at least once per year to reflect the current test results as determined by Method 27 of 40 CFR 60 Appendix A. This record shall include, at a minimum, the following information:

   a. Test title: Gasoline Delivery Tank Pressure Test - EPA Reference Method 27

   b. Tank owner and address

   c. Tank identification number

   d. Testing location

   e. Date of test

   f. Tester name and signature

   g. Witnessing inspector, if any - Name, signature and affiliation

   h. Test results - Actual pressure change in five minutes, mm of water (average for 2 runs).

2. ***Vapor collection system and liquid loading equipment*** –

   Pressure readings from the vapor collection system and liquid loading equipment recorded during product loading to comply with Condition IV.A.4.i at the time of the performance test.

3. ***Monthly leak-check inspections and repairs*** –

   The owner or operator shall maintain a log of all monthly leak-check inspections and repairs per Condition IV.B.1. This record shall include, at a minimum, the following information:

a. Date of inspection

b. Findings

c. Leak determination method

d. Corrective action and date of repair

e. Inspector name and signature

4. ***VRU emissions –***

All monitoring records of the VRU emissions and supporting documentation shall be maintained in accordance with Conditions IV.B.2 and IV.B.3.

5. ***Carbon beds and VRU inlet –***

The temperature and vacuum readings of the carbon beds and vacuum readings at the VRU inlet shall be maintained.

6. ***Vapor control system –***

All replacements or additions to the vapor control system shall be maintained.

7. ***Performance tests –***

Results of all performance tests shall be maintained.

These records shall be available on site for inspection by the DEQ and shall be current for the most recent five years.
(9 VAC 5-80-110.A.3. and 9 VAC 5-80-110.F.1.b)

D. Testing

When required, the VRU shall be stack tested to demonstrate that maximum TOC emissions through the unit do not exceed 35 mg/l of gasoline loaded. Test methods and procedures described in 40 CFR 60.503(a)-(c) and 40 CFR 60, Appendix A, shall be used, and include the following:

1. **Method-27-**
Determination of Vapor Tightness of Gasoline Delivery Tanks Using Pressure-Vacuum Test

2. **Method 25A or 25B –**
Determination of Total Gaseous Non-methane Organic Emissions as Carbon

3. **Method 21-**

Determination of Volatile Organic Compound Leaks

4. **Method 18-**
   Measurement of Gaseous Organic Compound Emissions by Gas Chromatography

5. **Method 2A-**
   Direct Measurement of Gas Volume through Pipes and Small Ducts

(9 VAC 5-80-110 and 9 VAC 5-40-5290)

E. Reporting

When a leak detected in accordance with Condition IV.B.1 cannot be repaired within fifteen days, the permittee shall notify the Regional Air Compliance Manager of the DEQ's NRO at the address referenced in Condition IV.C. The notification shall state the circumstances of the leak and the reason repair cannot be made within the prescribed fifteen days. A schedule for the repair must accompany the notification.
(9 VAC 5-80-110.F)

V. Facility Wide Conditions

A. Limitations

1. **Annual Throughput Gasoline –**

   The facility shall not have an annual throughput of a combination of gasoline and ethanol in excess of 730,537,800 gallons per year, to be calculated monthly by adding the most recently completed monthly totals to the total of the previous eleven months.
   (9 VAC 5-80-100.A and Condition III.A.1.a of the October 14, 1999 Title V permit)

2. ***Annual HAP Emissions –***

   Annual hazardous air pollutant (HAP) emissions shall be less than ten tons per year for any single HAP and less than twenty-five tons per year for total HAP. The Haps' most likely to be emitted are benzene, ethyl benzene, hexane, isooctane, methyl tertiary butyl ether (MTBE), naphthalene, toluene, and xylenes (mixed isomers). The emissions shall be calculated annually as a part of the annual emissions update using the current version of the EPA TANKS model and submitted to the Air Compliance Manager of the DEQ's NRO.

(9 VAC 5-80-100)

B. Monitoring

1. ***Facility Monthly Inspection –***

An inspection of the facility shall be conducted monthly on each valve, pump, open-ended valve or line, pressure relief device, sampling connection system, flange or other connector in the gasoline liquid transfer or vapor collection system. For purposes of this paragraph, inspection methods incorporating sight, sound, or smell are acceptable. Each leak detection shall be recorded and the source of the leak repaired within fifteen calendar days after it is detected. Results of this inspection shall be recorded in a log book which shall be kept at the facility being inspected.
(9 VAC 5-40-5290)

2. ***Maintenance/Operating Procedures –***

At all times, including periods of start-up, shutdown, and malfunction, the permittee shall, to the extent practicable, maintain and operate the affected source, including associated air pollution control equipment, in a manner consistent with good air pollution control practices for minimizing emissions.

The permittee shall take the following measures in order to minimize the duration and frequency of excess emissions:

a. Develop a maintenance schedule and maintain records of all scheduled and non-scheduled maintenance.

b. Maintain an inventory of spare parts.

c. Have available written operating procedures for equipment. These procedures shall be based on the manufacturer's recommendations, at a minimum.

d. Train operators in the proper operation of all such equipment and familiarize the operators with the written operating procedures, prior to their first operation of such equipment. The permittee shall maintain records of the training provided including the names of trainees, the date of training and the nature of the training.

(9 VAC 5-80-110 B)

C. Recordkeeping –

The permittee shall maintain records of all emission data, operating parameters, and throughput record for each tank necessary to demonstrate compliance with this permit. The content and format of such records shall be arranged with the Regional Air Compliance Manager of the DEQ's Northern Regional Office (NRO).

These records shall include, but are not limited to the following:

1. ***Tank Emission Estimates –***

a. Annual VOC emissions from the tanks shall be determined by the throughput of the tanks and using the current version of the EPA TANKS model, or an

acceptable alternative. Acceptability of an alternative method for emissions determination shall be mutually determined by EPA and DEQ.

b. The annual VOC emissions from roof landing losses and calculation method used shall be included in the annual VOC emissions.

The emissions shall be calculated annually and submitted a part of the annual emission update. These emissions shall be calculated for emission inventory and fee purposes.
(9 VAC 5-80-110.A.3. and 9 VAC 5-80-110.B.1)

2. ***Fugitive Emission Estimates –***

As required by Condition IV.A.4, annual VOC fugitive emissions from the loading rack, calculated monthly as the sum of each consecutive twelve-month period. These emissions shall be calculated for emission inventory and fee purposes.

3. ***Annual throughput – Gasoline –***
The annual throughput of gasoline delivered through the truck loading rack, calculated monthly as the sum of each consecutive twelve-month period.

4. ***Annual throughput – Distillate –***
The annual throughput of distillate delivered at the rack, for each product, calculated monthly as the sum of each consecutive twelve-month period.

5. ***Annual throughput – Ethanol –***
The annual throughput of ethanol through the ethanol tanks, calculated monthly as the sum of each consecutive twelve-month period.

6. ***Annual VOC emissions –***
The annual VOC emissions from the processing of fuel through the vapor processing system, calculated monthly as the sum of each consecutive twelve-month period.

7. **Monthly facility inspections –**
Monthly facility inspections results, in accordance with Condition V.B.1.

8. ***Maintenance records –***
Scheduled and unscheduled maintenance schedules, and operator training, as required by Condition V.B.2.

9. ***Bypass, malfunction, shutdown or failure of the facility –***

Records of the occurrence and duration of any bypass, malfunction, shutdown or failure of the facility or its associated air pollution control equipment that results in excess emissions for more than one hour. Records shall include the date, time,

duration, description (emission unit, pollutant affected, cause), corrective action, preventive measures taken and name of person generating the record.

10. ***Annual demonstration*** –
Where applicable, the consecutive twelve-month period shall be demonstrated monthly by adding the total for the most recently completed calendar month to the individual monthly totals for the preceding eleven months.

These records shall be available on site for inspection by the DEQ and shall be current for the most recent five years.
(9 VAC 5-80-110.F)

D. Testing

1. ***Testing/Monitoring Ports*** –
The permitted facility shall be constructed or modified so as to allow for emissions testing at any time using appropriate methods. Upon request from the Department of Environmental Quality, test ports shall be provided at the appropriate locations.
(9 VAC 5-80-110 and 9 VAC 5-40-30)

2. ***Additional testing*** –
If emission testing for Title V compliance determinations is conducted in addition to the monitoring specified in this permit, the permittee shall use the appropriate methods in accordance with procedures approved by the DEQ.
(9 VAC 5-80-110)

E. Reporting

1. ***Annual throughput of gasoline-ethanol blend*** –
The annual throughput of the combination of gasoline and ethanol shall be reported in gallons for the period of January 1 through December 31. The submittal shall be made by March 1 each year in the annual emission update.

2. ***Annual HAP emissions*** –
The annual HAP emissions shall be reported for the period of January 1 through December 31 using the current version of TANKS. The submittal shall be made by March 1 each year in the annual emission update.

3. ***Annual "Certification of Compliance"*** –
The annual "Certification of Compliance shall be submitted for the period of January 1 through December 31, in accordance with Condition VIII.D. The submittal shall be made by March 1 each year.

4. ***Certification of Documents*** –

a. The following documents submitted to the Board shall be signed by a responsible official: (i) any emission statement, application, form, report, or compliance

certification; (ii) any document required to be signed by any provision of the regulations of the Board; or (iii) any other document containing emissions data or compliance information the owner wishes the Board to consider in the administration of its air quality programs. A responsible official is defined as follows:

i. For a business entity, such as a corporation, association or cooperative, a responsible official is either:

(a). The president, secretary, treasurer, or a vice president of the business entity in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the business entity; or

(b). A duly authorized representative of such business entity if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit and either (i) the facilities employ more than 250 persons or have gross annual sales or expenditures exceeding $25 million (in second quarter 1980 dollars) or (ii) the authority to sign documents has been assigned or delegated to such representative in accordance with procedures of the business entity.

(c). For a partnership or sole proprietorship, a responsible official is a general partner or the proprietor, respectively.

b. Any person signing a document under subsection a. above shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who managed the system, or those persons directly responsible for gathering and evaluating the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

c. Subsection b. shall be interpreted to mean that the signer must have some form of direction or supervision over the persons gathering the data and preparing the document (the preparers), although the signer need not personally nor directly supervise these activities. The signer need not be in the same line of authority as the preparers, nor do the persons gathering the data and preparing the form need to be employees (e.g., outside contractors can be used). It is sufficient that the signer has authority to assure that the necessary actions are taken to prepare a complete and accurate document.

d. Any person who fails to submit any relevant facts or who has submitted incorrect information in a document shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrected information.

(9 VAC 5-80-110 and 9 VAC 5-20-230)

VI. Insignificant Emission Units

The following emission units at the facility are identified in the application as insignificant emission units as of the date of this permit issuance under 9 VAC 5-80-720. This list is subject to change as necessary by notifying the Air Compliance Manager for the DEQ's NRO.

Emission Unit No.	Emission Unit Description	Citation	Pollutant(s) Emitted (9 VAC 5-80-720 B)	Working Capacity (9 VAC 5-80-720 C)
T08	Distillate Tank (Diesel, Jet A, Kerosene)	9 VAC 5-80-720B	VOC	2,140,320 gal.
T09	Distillate Tank (Diesel, Jet A, Kerosene)	9 VAC 5-80-720B	VOC	2,128,980 gal
T11	Gasoline Additive Tank	9 VAC 5-80-720B	VOC	6,800 gal.
T12	Gasoline Additive Tank	9 VAC 5-80-720B	VOC	10,080 gal.
T13	Distillate Tank (Diesel, Jet A, kerosene)	9 VAC 5-80-720B	VOC	17,720 gal.
T14	Gasoline Additive Tank	9 VAC 5-80-720B	VOC	3,400 gal.
T15	Gasoline Additive Tank	9 VAC 5-80-720B	VOC	1,260 gal
T16	Gasoline Additive Tank	9 VAC 5-80-720B	VOC	10,200 gal
T18	Gasoline Additive Tank	9 VAC 5-80-720B	VOC	2,500 gal.
SI	Interface Tank	9 VAC 5-80-720B	VOC	25,120 gal.
W1	Petroleum Contact Water Tank	9 VAC 5-80-720B	VOC	15,490 gal.
OWS	Oil-water Separators (2)	9 VAC 5-80-720B	VOC	N/A
FO2	Fugitive Equipment Leaks	9 VAC 5-80-720B	VOC	N/A
SRB	Storm water retention basin	9 VAC 5-80-720B	N/A	79,802 gal/yr storm water
DL1	Distillate Loading	9 VAC 5-80-720B	VOC	245,481,600 gal/yr throughput

These emission units are presumed to be in compliance with all requirements of the federal Clean Air Act as may apply. Based on this presumption, no monitoring, recordkeeping, or reporting shall be required for these emission units in accordance with 9 VAC 5-80-110.

VII. Permit Shield & Inapplicable Requirements

Compliance with the provisions of this permit shall be deemed compliance with all applicable requirements in effect as of the permit issuance date as identified in this permit. This permit shield covers only those applicable requirements covered by terms and conditions in this permit and the following requirements which have been specifically identified as being not applicable to this permitted facility:

Citation	Title of Citation	Description of Applicability
VAC 5-40-3410 through 3550 (Rule 4-25)	Emission standards for VOC storage and transfer operations	The facility is subject to Rule 4-37 and is therefore exempt from the requirements of Rule 4-25
40 CFR 60 Subpart XX	Standards of Performance for Bulk Gasoline Terminals	The Subpart applies to affected facilities which were constructed or modified after 12/17/80. The existing loading racks have not been modified.
40 CFR 63 Subpart R	National Emission Standard for Gasoline Distribution – Stage 1	Emissions are below 10 TPY for a single HAP and below 25 TPY for a combination of HAP's.
40 CFR 64	Compliance Assurance Monitoring	Facility employs a CEMS which meets exemption criterion of 40 CFR64.2(b)(1)
40 CFR 68	Accidental release prevention requirements: Section 112 (r)	Petroleum liquids (gasoline, diesel, jet fuel, etc) are not subject to this rule.
40 CFR 60, Subpart K	Standards of Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After June 11, 1973, and Prior to May 19, 1978	No tanks were constructed, reconstructed, or Modified after June 11, 1973, and prior to May 19, 1978
40 CFR 60, Subpart Ka	Standards of Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After May 18, 1978, and Prior to July 23, 1984	No tanks were constructed, reconstructed, or modified after May 18, 1978, and Prior to July 23, 1984

Nothing in this permit shield shall alter the provisions of §303 of the federal Clean Air Act, including the authority of the administrator under that section, the liability of the owner for any violation of applicable requirements prior to or at the time of permit issuance, or the

ability to obtain information by the administrator pursuant to §114 of the federal Clean Air Act, (ii) the Board pursuant to §10.1-1314 or §10.1-1315 of the Virginia Air Pollution Control Law or (iii) the Department pursuant to §10.1-1307.3 of the Virginia Air Pollution Control Law.
(9 VAC 5-80-140)

VIII. General Conditions

A. Federal Enforceability

All terms and conditions in this permit are enforceable by the administrator and citizens under the federal Clean Air Act, except those that have been designated as only state-enforceable.
(9 VAC 5-80-110 N)

B. Permit Expiration

This permit has a fixed term of five years. The expiration date shall be the date five years from the date of issuance. Unless the owner submits a timely and complete application for renewal to the Department of Environmental (DEQ) consistent with the requirements of 9 VAC 5-80-80, the right of the facility to operate shall be terminated upon permit expiration.

1. ***Renewal submittal timing –***
   The owner shall submit an application for renewal at least six months but no earlier than eighteen months prior to the date of permit expiration.

2. ***Application permit shield –***
   If an applicant submits a timely and complete application for an initial permit or renewal under this section, the failure of the source to have a permit or the operation of the source without a permit shall not be a violation of Article 1, Part II of 9 VAC 5 Chapter 80, until the Board takes final action on the application under 9 VAC 5-80-150.

3. ***Facility operation limitation –***
   No source shall operate after the time that it is required to submit a timely and complete application under subsections C and D of 9 VAC 5-80-80 for a renewal permit, except in compliance with a permit issued under Article 1, Part II of 9 VAC 5 Chapter 80.

4. ***Automatic administrative completeness –***
   If an applicant submits a timely and complete application under section 9 VAC 5-80-80 for a permit renewal but the Board fails to issue or deny the renewal permit before the end of the term of the previous permit, (i) the previous permit shall not expire until the renewal permit has been issued or denied and (ii) all the terms and conditions of the previous permit, including any permit shield granted pursuant to 9 VAC 5-80-140,

shall remain in effect from the date the application is determined to be complete until the renewal permit is issued or denied.

5. ***Application shield termination –***
The protection under subsections F1 and F5(ii) of section 9 VAC 5-80-80F shall cease to apply if, subsequent to the completeness determination made pursuant section 9 VAC 5-80-80 D, the applicant fails to submit by the deadline specified in writing by the Board any additional information identified as being needed to process the application.

(9 VAC 5-80-80 B, C, and F, 9 VAC 5-80-110 D and 9 VAC 5-80-170 B)

C. Recordkeeping and Reporting

1. ***Compliance demonstration –***
All records of monitoring information maintained to demonstrate compliance with the terms and conditions of this permit shall contain, where applicable, the following:

a. The date, place as defined in the permit, and time of sampling or measurements

b. The date(s) analyses were performed

c. The company or entity that performed the analyses

d. The analytical techniques or methods used

e. The results of such analyses

f. The operating conditions existing at the time of sampling or measurement

(9 VAC 5-80-110 F)

2. ***Data retention –***
Records of all monitoring data and support information shall be retained for at least five years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.

(9 VAC 5-80-110 F)

3. ***Semi-annual data submittal deadlines –***
The permittee shall submit the results of monitoring contained in any applicable requirement to DEQ no later than March 1 and September 1 of each calendar year. This report must be signed by a responsible official, consistent with 9 VAC 5-80-80 G, and shall include:

a. Each semi-annual report shall be for the periods January 1 to June 30 and July 1 to December 31.

b. For purpose of this permit, all deviations from permit requirements shall include, but are not limited to the following:

   i. Exceedance of emissions limitations or operational restrictions;

   ii. Excursions from control device operating parameter requirements, as documented by continuous emission monitoring, periodic monitoring, or Compliance Assurance Monitoring (CAM) which indicates an exceedance of emission limitations or operational restrictions; or,

   iii. Failure to meet monitoring, recordkeeping, or reporting requirements contained in this permit.

c. If there were no deviations from permit conditions during the time period, the permittee shall include a statement in the report that "no deviations from permit requirements occurred during this semi-annual reporting period."

(9 VAC 5-80-110 F)

D. Annual Compliance Certification

Exclusive of any reporting required to assure compliance with the terms and conditions of this permit or as part of a schedule of compliance contained in this permit, the permittee shall submit to EPA and DEQ no later than March 1 each calendar year a certification of compliance with all terms and conditions of this permit including emission limitation standards or work practices. The compliance certification shall comply with such additional requirements that may be specified pursuant to §114(a)(3) and §504(b) of the federal Clean Air Act. This certification shall be signed by a responsible official, consistent with 9 VAC 5-80-80 G, and shall include the following:

1. ***The time period included in the certification –***
   The owner or operator shall indicate time period to be addressed is January 1 to December 31.

2. ***Identification of permit terms and conditions –***
   The owner or operator shall identify each term or condition of the permit that is the basis of the certification shall be identified.

3. ***Compliance status –***
   The owner or operator shall state if the facility was in continuous or intermittent compliance and if not continuous, documentation of each incident of non-compliance.

4. ***Compliance determination methods –***

Consistent with subsection 9 VAC 5-80-110 E, the owner or operator shall describe the method or methods used for determining the compliance status of the facility at the time of certification and over the reporting period.

5. ***Other information –***
   Such other facts as the permit may require in determining the compliance status of the source.

6. ***EPA annual certification –***
   The annual certification to the U.S. EPA shall be submitted in electronic format only. It shall be submitted by e-mail to the following address:

   R3_APD_Permits@epa.gov.

   The permittee shall maintain a copy of the certification on site for five years from submittal of the certification.

(9 VAC 5-80-110 K.5)

E. Permit Deviation Reporting

The permittee shall notify the Director, Northern Regional Office within four daytime business hours after discovery of any deviations from permit requirements which may cause excess emissions for more than one hour, including those attributable to upset conditions as may be defined in this permit. In addition, within fourteen days of the discovery, the permittee shall provide a written statement explaining the problem, any corrective actions or preventative measures taken, and the estimated duration of the permit deviation. [Owners subject to the requirements of 9 VAC 5-40-50 C and 9 VAC 5-50-50 C are not required to provide the written statement prescribed in this paragraph for facilities subject to the monitoring requirements of 9 VAC 5-40-40 and 9 VAC 5-50-40.] The occurrence should also be reported in the next semi-annual compliance monitoring report pursuant to General Condition VIII.C.3 of this permit.
(9 VAC 5-80-110 F.2 and 9 VAC 5-80-250)

F. Failure/Malfunction Reporting

In the event that any affected facility or related air pollution control equipment fails or malfunctions in such a manner that may cause excess emissions for more than one hour, the owner shall, as soon as practicable but no later than four daytime business hours after the malfunction is discovered, notify the Regional Air Compliance Manager of the DEQ's NRO by e-mail, facsimile transmission, telephone or telegraph of such failure or malfunction and shall within fourteen days of discovery provide a written statement giving all pertinent facts, including the estimated duration of the breakdown. Owners subject to the requirements of 9 VAC 5-40-50 C and 9 VAC 5-50-50 C are not required to provide the written statement prescribed in this paragraph for facilities subject to the monitoring requirements of 9 VAC 5-40-40 and 9 VAC 5-50-40. When the condition

causing the failure or malfunction has been corrected and the equipment is again in operation, the owner shall notify the Regional Air Compliance Manager of the DEQ's NRO.

1. ***Vapor recovery unit –***

   The vapor recovery unit (VRU) unit is subject to the reporting and the procedure requirements of 9 VAC 5-40-50 C and the procedures of 9 VAC 5-50-50C.

2. ***CMS/monitoring device report –***

   Each owner or operator required to install a continuous monitoring system (CMS) or monitoring device subject to 9 VAC 5-40-41 or 9 VAC 5-50-410 shall submit a written report of excess emissions and either a monitoring systems performance report or a summary report form, or both, to the DEQ quarterly. All quarterly reports shall be postmarked by the 30th day following the end of each calendar quarter. All reports shall include the following information:

   a. The magnitude of excess emissions computed in accordance with 40 CFR 60.13(h) or 9 VAC 5-40-41 B.6, any conversion factors used, and the date and time of commencement and completion of each period of excess emissions;

   b. The specific identification of each period of excess emissions which occurs during startups, shutdowns, and malfunctions of the source. The nature and cause of any malfunction (if known), the corrective action taken or preventative measures adopted;

   c. The date and time identifying each period during which the continuous monitoring system was inoperative except for zero and span checks and the nature of the system repairs or adjustments; and

   d. When no excess emissions have occurred or the continuous monitoring systems have not been inoperative, repaired or adjusted, such information shall be stated in the report.

   (9 VAC 5-20-180 C and 9 VAC 5-40-50)

G. Severability

The terms of this permit are severable. If any condition, requirement or portion of the permit is held invalid or inapplicable under any circumstance, such invalidity or inapplicability shall not affect or impair the remaining conditions, requirements, or portions of the permit.
(9 VAC 5-80-110 G.1)

H. Duty to Comply

The permittee shall comply with all terms and conditions of this permit. Any permit noncompliance constitutes a violation of the federal Clean Air Act or the Virginia Air Pollution Control Law or both and is ground for enforcement action; for permit termination, revocation and reissuance, or modification; or, for denial of a permit renewal application.
(9 VAC 5-80-110 G.2)

I. Need to Halt or Reduce Activity not a Defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
(9 VAC 5-80-110 G.3)

J. Permit Modification

A physical change in, or change in the method of operation of, this stationary source may be subject to permitting under State Regulations 9 VAC 5-80-50, 9 VAC 5-80-1100, 9 VAC 5-80-1605, or 9 VAC 5-80-2000 and may require a permit modification and/or revisions except as may be authorized in any approved alternative operating scenarios.
(9 VAC 5-80-190 and 9 VAC 5-80-260)

K. Property Rights

The permit does not convey any property rights of any sort, or any exclusive privilege.
(9 VAC 5-80-110 G.5)

L. Duty to Submit Information

The permittee shall furnish to the Board, within a reasonable time, any information that the Board may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the Board copies of records required to be kept by the permit and, for information claimed to be confidential, the permittee shall furnish such records to the Board along with a claim of confidentiality. Any document (including reports) required in a permit condition to be submitted to the Board shall contain a certification by a responsible official that meets the requirements of 9 VAC 5-80-80 G.
(9 VAC 5-80-110 G.6 and 9 VAC 5-80-110 K.1)

M. Duty to Pay Permit Fees

The owner of any source for which a permit under 9 VAC 5-80-50 through 9 VAC 5-80-300 was issued shall pay permit fees consistent with the requirements of 9 VAC 5-80-310 through 9 VAC 5-80-350. The actual emissions covered by the permit program fees for the preceding year shall be calculated by the owner and submitted to the Regional Air Compliance Manger of the DEQ's NRO by April 15 of each year. The calculations and final amount of emissions are subject to verification and final determination by the Department.
(9 VAC 5-80-110 H and 9 VAC 5-80-340 C)

N. Fugitive Dust Emission Standards

During the operation of a stationary source or any other building, structure, facility, or

installation, no owner or other person shall cause or permit any materials or property to be handled, transported, stored, used, constructed, altered, repaired, or demolished without taking reasonable precautions to prevent particulate matter from becoming airborne. Such reasonable precautions may include, but are not limited to the following:

1. Use, where possible, of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads, or the clearing of land;

2. Application of asphalt, water, or suitable chemicals on dirt roads, materials stockpiles, and other surfaces which may create airborne dust; the paving of roadways and the maintaining of them in a clean condition;

3. Installation and use of hoods, fans, and fabric filters to enclose and vent the handling of dusty material. Adequate containment methods shall be employed during sandblasting or similar operations;

4. Open equipment for conveying or transporting material likely to create objectionable air pollution when airborne shall be covered or treated in an equally effective manner at all times when in motion; and,

5. Prompt removal of spilled or tracked dirt or other materials from paved streets and of dried sediments resulting from soil erosion.

(9 VAC 5-40-90)

O. Startup, Shutdown, and Malfunction

At all times, including periods of startup, shutdown, and soot blowing, and malfunction, owners shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with air pollution control practices for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Board, which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

([9 VAC 5-50-20 E] and [9 VAC 5-40-20 E])

P. Alternative Operating Scenarios

Contemporaneously with making a change between reasonably anticipated operating scenarios identified in this permit, the permittee shall record in a log at the permitted facility a record of the scenario under which it is operating. The permit shield described in 9 VAC 5-80-140 shall extend to all terms and conditions under each such operating scenario. The terms and conditions of each such alternative scenario shall meet all applicable requirements including the requirements of 9 VAC 5 Chapter 80, Article 1.

(9 VAC 5-80-110 J)

Q. Inspection and Entry Requirements

The permittee shall allow DEQ, upon presentation of credentials and other documents as may be required by law, to perform the following:

1. Enter upon the premises where the source is located or emissions-related activity is conducted, or where records must be kept under the terms and conditions of the permit.

2. Have access to and copy, at reasonable times, any records that must be kept under the terms and conditions of the permit.

3. Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit.

4. Sample or monitor at reasonable time's substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

(9 VAC 5-80-110 K.2)

R. *Reopening For Cause*

The permit shall be reopened by the Board if additional federal requirements become applicable to a major source with a remaining permit term of three years or more. Such reopening shall be completed no later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended pursuant to 9 VAC 5-80-80 F.

1. The permit shall be reopened if the Board or the administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.

2. The permit shall be reopened if the administrator or the Board determines that the permit must be revised or revoked to assure compliance with the applicable requirements.

3. The permit shall not be reopened by the Board if additional applicable state requirements become applicable to a major source prior to the expiration date established under 9 VAC 5-80-110 D.

(9 VAC 5-80-110 L)

S. Permit Availability

Within five days after receipt of the issued permit, the permittee shall maintain the permit on the premises for which the permit has been issued and shall make the permit immediately available to DEQ upon request.

(9 VAC 5-80-150 E)

T. Transfer of Permits

No person shall transfer a permit from one location to another, unless authorized under 9 VAC 5-80-130, or from one piece of equipment to another.

In the case of a transfer of ownership of a stationary source, the new owner shall comply with any current permit issued to the previous owner. The new owner shall notify the Board of the change in ownership within 30 days of the transfer and shall comply with the requirements of 9 VAC 5-80-200.

In the case of a name change of a stationary source, the owner shall comply with any current permit issued under the previous source name. The owner shall notify the Board of the change in source name within 30 days of the name change and shall comply with the requirements of 9 VAC 5-80-200.
(9 VAC 5-80-160)

U. Malfunction as an Affirmative Defense

A malfunction constitutes an affirmative defense to an action brought for noncompliance with technology-based emission limitations if the requirements of paragraph 2 of this condition are met.

The affirmative defense of malfunction shall be demonstrated by the permittee through properly signed, contemporaneous operating logs, or other relevant evidence that show the following:

1. A malfunction occurred and the permittee can identify the cause or causes of the malfunction.

2. The permitted facility was at the time being properly operated.

3. During the period of the malfunction the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit.

4. The permittee notified the Board of the malfunction within two working days following the time when the emission limitations were exceeded due to the malfunction. This notification shall include a description of the malfunction, any steps taken to mitigate emissions, and corrective actions taken. The notification may be delivered either orally or in writing. The notification may be delivered by electronic mail, facsimile transmission, telephone, or any other method that allows the permittee to comply with the deadline. This notification fulfills the requirements of 9 VAC 5-80-110 F.2.b to report promptly deviations from permit requirements. This notification does not release the permittee from the malfunction reporting requirement under 9 VAC 5-20-180 C.

5. In any enforcement proceeding, the permittee seeking to establish the occurrence of a malfunction shall have the burden of proof.

6. The provisions of this section are in addition to any malfunction, emergency or upset provision contained in any applicable requirement.

(9 VAC 5-80-250)

V. Permit Revocation or Termination for Cause

A permit may be revoked or terminated prior to its expiration date if the owner knowingly makes material misstatements in the permit application or any amendments thereto or if the permittee violates, fails, neglects or refuses to comply with the terms or conditions of the permit, any applicable requirements, or the applicable provisions of 9 VAC 5 Chapter 80 Article 1. The Board may suspend, under such conditions and for such period of time as the Board may prescribe any permit for any grounds for revocation or termination or for any other violations of these regulations.
(9 VAC 5-80-190 C and 9 VAC 5-80-260)

W. Duty to Supplement or Correct Application

Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrections. An applicant shall also provide additional information as necessary to address any requirements that become applicable to the source after the date a complete application was filed but prior to release of a draft permit.
(9 VAC 5-80-80 E)

X. Stratospheric Ozone Protection

If the permittee handles or emits one or more Class I or II substances subject to a standard promulgated under or established by Title VI (Stratospheric Ozone Protection) of the federal Clean Air Act, the permittee shall comply with all applicable sections of 40 CFR Part 82, Subparts A to F.
(40 CFR Part 82, Subparts A-F)

Y. Asbestos Requirements

The permittee shall comply with the requirements of National Emissions Standards for Hazardous Air Pollutants (40 CFR 61) Subpart M, National Emission Standards for Asbestos as it applies to the following: Standards for Demolition and Renovation (40 CFR 61.145), Standards for Insulating Materials (40 CFR 61.148), and Standards for Waste Disposal (40 CFR 61.150).
(9 VAC 5-60-70 and 9 VAC 5-80-110 A.1)

Z. Accidental Release Prevention

If the permittee has more, or will have more than a threshold quantity of a regulated substance in a process, as determined by 40 CFR 68.115, the permittee shall comply with the requirements of 40 CFR Part 68.
(40 CFR Part 68)

AA. Changes to Permits for Emissions Trading

No permit revision shall be required under any federally approved economic incentives, marketable permits, emissions trading and other similar programs or processes for changes that are provided for in this permit.
(9 VAC 5-80-110 I)

BB. Emissions Trading

Where the trading of emissions increases and decreases within the permitted facility is to occur within the context of this permit and to the extent that the regulations provide for trading such increases and decreases without a case-by-case approval of each emissions trade:

1. All terms and conditions required under 9 VAC 5-80-110, except subsection N, shall be included to determine compliance.

2. The permit shield described in 9 VAC 5-80-140 shall extend to all terms and conditions that allow such increases and decreases in emissions.

3. The owner shall meet all applicable requirements including the requirements of 9 VAC 5-80-50 through 9 VAC 5-80-300.

(9 VAC 5-80-110 I)

ATTACHMENT A

Letter dated September 30, 2009 from the DEQ to Ms. Susan Horning.

NRO-296-09

COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY
NORTHERN REGIONAL OFFICE
13901 Crown Court, Woodbridge, Virginia 22193-1453
(703) 583-3800 Fax (703) 583-3821
www.deq.virginia.gov

L. Preston Bryant, Jr.
Secretary of Natural Resources

David K. Paylor
Director

Thomas A. Faha
Regional Director

September 30, 2009

Ms. Susan Horning
Terminal Manager
Motiva Enterprises LLC
3800 Pickett Road
Fairfax, VA 22031

Re: Extension for T03 IFR Registration No.: 70234

Dear Ms. Horning,

This letter acknowledges receipt of your letter dated September 4, 2009. The Department of Environmental Quality (DEQ) Northern Regional Office (NRO) staff has reviewed your request for an eighteen month extension to construct the internal floating roof in Tank T03 at the Springfield Terminal. Such an extension may be granted by the DEQ as stated in Condition 11 of your permit dated April 15, 2008.

As indicated by the email dated September 28, 2009, from Mr. Tom Jackson, the facility was has not commenced construction because business needs have not warranted the conversion to an internal floating roof tank. Because of the unanticipated business delay, your request is considered reasonable. Therefore, the DEQ approves the request for an extension of the project for eighteen months.

If there are further delays that prevent commencement of the project by April 15, 2011, the portion of the permit pertaining to the modification of Tank T03 becomes invalid, and a new permit application may be required. You are reminded that all other conditions of the permit remain the same, and that operating the tank out of compliance with any state or federal regulation could result in enforcement action.

If you have any questions, please contact me at 703.583.3800.

Sincerely,

Terry H. Darton
Regional Air Permit Manager

THD/MCL/09-296-ltr

Cc: Tom Jackson, Motiva (via electronic communication)

Event	Date	Initials
Code: PRCS	9/30/09	MCL
Scanned		
QC		